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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,131	12/05/2000	Harold A. Ewing	QMI385/99878A	7857

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/730,131	Applicant(s) Ewing et al.
Examiner Clark F. Dexter	Art Unit 3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Apr 30, 2002

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

4) Claim(s) 9 and 10 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 9 and 10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) Other: _____

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DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Group IV (claims 9 and 10) in the response filed April 30, 2002 (paper no. 4) is acknowledged. The traversal is on the ground(s) that "all of the claims could be simply and easily considered together." The Examiner respectfully disagrees. The examination of multiple inventions (i.e., subcombinations) in the time allotted for a single invention creates an undue burden on the Examiner, particularly since multiple inventions results in multiple fields of search and multiple scopes of invention leading to multiple patentability considerations.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

2. The information disclosure statement filed December 5, 2001 (paper no. 2) has been received and the references listed thereon have been considered.

Drawings

3. The drawings are objected to because in Figure 3, a numeral (e.g., 70') should be added to indicate the sharpened edge of the die 70. A proposed drawing correction or corrected drawings

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are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “plurality of rollers” set forth in claim 9, the “plurality of solenoid valves” set forth in claim 10, and the “plurality of punch assemblies” set forth in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Abstract

5. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as “means” and “said,” should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because it is too long. Appropriate correction is required. See MPEP § 608.01(b). 

Specification

7. The disclosure is objected to because of the following informalities:

On page 16, line 6, it seems that the comma "," after numeral 18 should be removed for clarity; in line 7, it seems that "embodies" is improper and should read --embody--; in lines 16-17, it is not clear how a chamber can be welded to structural features, specifically to the plates and the frame member. 

On page 18, line 3, "112" appears to be improper since it has already been used to represent the switch, and it seems that it should be deleted and reinserted after "switch"; in line 12, --78-- should be inserted after "material" for clarity; in line 14, "plunger assembly 1" is improper since numeral 1 has already been used to indicate the punch assembly; in line 18, "holes 81 and 85 in housing body 53" is inaccurate since hole 85 is not in the housing body, and it seems that --and housing cap 50, respectively-- should be inserted after "53" or the like; in line 21, "83" appears to be inaccurate, and it seems that it should be changed to --85--. 

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On page 19, line 6, numeral 70' or the like should be inserted after both occurrences of "edge" or the like for clarity; in line 18, the term "firmware" is unclear as to what is being described; also in line 18, it seems that "of" should read --or--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, line 2, "a plurality of solenoid valves" is vague and indefinite as to how it relates to "a solenoid valve" set forth in claim 9; also in line 2, "a plurality of punch assemblies" is vague and indefinite as to how it relates to "a punch assembly" set forth in claim 9; in line 4, the recitation "communicably attached to said apparatus" renders the claim vague and indefinite, particularly since it is not clear how the computer can be both part of the apparatus and attached thereto.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

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art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al., pn 5437828.

Shimizu discloses an apparatus with almost every structural limitation of the claimed invention but lacks a compressed air source connected to the solenoid valve. However, the Examiner takes Official notice that it is old and well known in the art to provide a compressed air source for a solenoid valve for various well known benefits including facilitating the operation of the solenoid. Therefore, it would have been obvious to one having ordinary skill in the art to provide a compressed air source connected to the solenoid valve of Shimizu for the well known benefits including that described above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cfd
July 1, 2002